

EARLY MEETING OF COUNSEL, JOINT STATUS CONFERENCE INSTRUCTIONS

1. A COPY OF THESE INSTRUCTIONS MUST BE ATTACHED TO THE COPY OF THE COMPLAINT SERVED UPON EACH PARTY, AND THE PROOF OF SERVICE OF THE SUMMONS AND COMPLAINT MUST INDICATE THAT SUCH COPY WAS SERVED THEREWITH.
2. These instructions apply only to parties represented by counsel. If you do not have an attorney you must appear at the status conference in person.
3. This status hearing may be made **by telephone** at the date and time shown on the summons. The Order re Telephonic Status Conference in Adversary Proceedings served with these instructions explains the procedure for the telephonic hearing.
4. If the proceeding involves money or property exceeding \$10,000 or if the plaintiff believes trial time will be 4 hours or more, plaintiff must serve, with the summons and complaint, a notice that compliance with **Local Rule 7026-1** is required. Plaintiff must also file proof of service of the notice with proof of service of the summons and complaint.
5. If **Local Rule 7026-1** applies, counsel for the parties **MUST TIMELY MEET TO DISCUSS SETTLEMENT AND TO EXCHANGE DOCUMENTS, OTHER EVIDENCE, AND LISTS OF WITNESSES AND PRELIMINARY DISCOVERY SCHEDULES AS PROVIDED IN THE RULE.**
6. Unless all defendants have defaulted, the parties shall file a Joint Status Report pursuant to **Local Rule 7016-1(a)(2)** at least 10 court days before the date of the status conference in a form substantially similar to **Local Form No. 7016-1.1**. If **Local Rule 7026-1** applies, the parties must include in the Joint Status Report a statement that they have met to discuss settlement and have exchanged documents, other evidence, lists of witnesses and preliminary discovery schedules.
7. If no response to the complaint is timely filed, plaintiff may request entry of default by the clerk or by the court.
8. If the parties dispute whether the adversary proceeding is “**core**” or **non-core**,” they shall file points and authorities in support of their positions. Any party that contends the proceeding is “**non-core**” shall file and serve its points and authorities at least **14 days** before the status conference. Any response must be filed and served at least 7 days before the status conference.
9. Failure to comply with these instructions will subject the responsible party to **sanctions**.
10. Failure of counsel for any party to appear at a status conference or pre-trial conference may be considered an abandonment or failure to prosecute or defend diligently and the proceeding may be dismissed or judgment entered against the defaulting party.
11. A plaintiff demanding trial by jury in the bankruptcy court shall file a demand with the complaint. All other parties stipulating to trial by jury in the bankruptcy court should file their stipulation not later than the date of the status conference.

INSTRUCTIONS FOR TELEPHONIC STATUS CONFERENCES

Telephone appearances for status conference will be arranged through the conference service. The conference service used by the court is an independent conference call company that arranges conference calls on a national and international basis for business.

Participants will be contacted at the telephone number set forth at the top of the pleading with the participant's identification. All participants shown on the court's calendar 7 days prior to the status conference will be contacted by the service at least two days prior to the status conference to confirm participation in the conference call and payment arrangements.

Attorneys who are unavailable when called by the service **MUST** return the call within 24 hours. The decision whether or not to appear by telephone **MUST** be made at this time and, if non-responsive, you will not be added to the call at the last minute. Do not argue with the service or request special treatment. The service's function is no more than to offer you the opportunity to appear by telephone. Your election to appear by telephone constitutes your agreement for telephonic appearances.

The cost of appearing telephonically is \$25.00 plus an additional per minute charge for each minute over 30 minutes. The service will arrange payment by the participant either through the use of a major credit card or, in the case of attorneys, may offer to bill for its service.

If you have not been contacted by the second day prior to the status conference, you may contact the service to discuss procedures, confirm dates and times, etc. Participants must reference this Court, and the case name and number when calling the service. The telephone number of the service may be obtained from the court.

At the time of the scheduled telephonic status conference, the service will contact the participant as prearranged. The service may initiate calls to some participants on a delayed basis to minimize waiting time. **All participants MUST be available when called.** If you are not available when called, you will be billed for the call and the status conference will proceed in your absence. The court may impose sanctions as set forth below.

At the time of the status conference you will initially be in the listening mode and able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the Courtroom Deputy will call the case. The Judge will ask for appearances and direct the manner in which the status conference proceeds. Each time a participant speaks, he or she must identify himself or herself for the record. When the Judge informs the participants that the hearing is completed, the participants may disconnect and the next case will be called.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure a quality record, the use of car phones, public telephone booths, or phones in other public places is **prohibited** except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo. The system also allows more than one speaker to be heard so that the Judge can interrupt a speaker to ask a question or redirect the discussion. **You may not use a speaker phone for a telephonic appearance.**

Telephonic appearances by multiple participants are **only** possible where there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation. Sanctions may include dropping the matter from the calendar, continuing the hearing, proceeding in the absence of an unavailable participant, or monetary sanction of **\$100** or more. Where the service agrees to bill for its services and the billings are not timely paid by an attorney, a sanction of **\$250** may be imposed.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

Case No. _____

Chapter _____

Adv. No. _____

NOTICE OF TELEPHONIC APPEARANCE

Debtor

DATE: _____

TIME: _____

Plaintiff/Movant

PLACE: COURTROOM 1575
255 EAST TEMPLE STREET
15TH FLOOR
LOS ANGELES, CA 90012

vs.

Defendant/Respondent

Please take notice that the following party/attorney intends to appear by telephone in lieu of personal appearance at the hearing on the motion noticed herewith:

PARTY/COUNSEL APPEARING BY TELEPHONE: _____

DATE OF HEARING: _____ TIME OF HEARING: _____

TELEPHONE NUMBER WITH AREA CODE (used to initiate telephone conference):

() Please take further notice that if any other party/counsel wishes to appear by telephone on this motion the party must contact Courtroom Deputy ELAINE L. GARCIA at (213) 894-0995 no later than five court days prior to the hearing.

DATE: _____